ANDREW T. BAXTER Interim United States Attorney Northern District of New York

Michelle L. Christ Special Assistant U.S. Attorney c/o Social Security Administration Office of the General Counsel 26 Federal Plaza, Room 3904 New York, NY 10278 (212) 264-3650, Ext. 239 Fax: (212) 264-6372 Michelle.L.Christ@ssa.gov

> UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF NEW YORK

OMAR FUENTES,

Plaintiff, Hon. David N. Hurd, D.J. Hon. George H. Lowe, M.J.

Civil Action No. 08-1320:

CONSENT ORDER TO REMAND **PURSUANT TO SENTENCE 4 OF**

42 U.S.C. § 405(g)

COMMISSIONER OF SOCIAL SECURITY,

v.

Defendant.

This matter having been opened to the Court by Andrew T. Baxter, Interim United States Attorney for the Northern District of New York, and Michelle L. Christ, Special Assistant United States Attorney, attorneys for Defendant, for an Order remanding the within cause of action to the Defendant pursuant to sentence 4 of 42 U.S.C. § 405(g) so that further administrative action may be taken; and Plaintiff, through the undersigned attorney, having consented to the within order and the requested remand, and the Court having considered the matter.

IT IS on this Athday of July, 2009;

ORDERED that the final decision of the Commissioner be and hereby is REVERSED, and the matter is REMANDED to the Defendant for this further administrative action, and it is further

ORDERED that the within matter, be and hereby is, DISMISSED in accord with the decision in Melkonyan v. Sullivan, 501 U.S. 89 (1991).

George H. Lowe, M.J. United States District Court

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The undersigned hereby consent to the form and entry of the within order.

ANDREW T. BAXTER Interim United States Attorney

By: s/ Michelle L. Christ

Michelle L. Christ

Special Assistant U.S. Attorney

s/ Peter M. Margolius

By: Peter M. Margolius

Attorney for Plaintiff